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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,027

09/24/2003

Michael C. Centers

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7847

7590

01/30/2006

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EXAMINER

MILLER, JONATHAN R

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/671,027	CENTERS ET AL.	
	Examiner	Art Unit	
	Jonathan R. Miller	3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11, 13, 14, 16, 17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 13, 14, 16, 17 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/24/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Allowable Subject Matter*

1. The indicated allowability of claims 12, 13, 15, 16, 18 and 19 is withdrawn in view of the newly discovered reference(s) to Djerf et al. Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11,13,14,16,17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Djerf et al. The reference discloses a first vibrating screen (1101), inherently of at least 2 feet in width, with means for classifying compressed material from news screen fines, and second vibrating screen (1201) of predetermined width comprising means for and an adjustable pneumatic separator portion comprising first air stream flowing up from below and second air stream being exhausted from above wherein the adjustable pneumatic separator classifies material news screen fines into a heavy portion and a light portion (col. 17, lines 1+), and a rotary airlock (1112), drop box (1114) and cyclone (1102) for processing a portion of the material. Examiner contends that the screens inherently vibrate due to the fluidizing forces from below and above.

4. With regards to claim 14, the reference further discloses starting news screen fines compressed material, classifying to a first size (col. 14, lines 33+), classifying to a second size,

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pneumatically separating with a first air stream flowing up from below and second air stream exhausting from above (1101), and adjusting the quantity of the first air stream and the quantity of the second air stream wherein the pneumatically separating step classifies news screen fines material in to a heavy portion and a light portion (col. 17, lines 56+), and processing a portion of material from the news screen fines through a rotary airlock (1112), drop box (1114) and cyclone (1102).

5. With regards to claim 17, the reference further discloses a first vibrating screen (1101) that classifies compressed material from news screen fines, and second vibrating screen (1201) which classifies into a third portion and transports a fourth portion to a pneumatic separator (1301) and an adjustable pneumatic separator portion comprising first air stream flowing up from below and second air stream being exhausted from above wherein the adjustable pneumatic separator classifies the forth portion into a heavy portion and a light portion, wherein the relative quantities of the first and second air stream are adjustable (col. 17, lines 56+), and a rotary airlock (1112), drop box (1114) and cyclone (1102) for processing material from the new screen fines (col. 2, lines 23+; col. 3, lines 1+).

6. The reference fails to specifically disclose the size limitations of the separated streams. At the time of the invention, it would have been obvious to one of ordinary skill in the art to base the size of the separations upon the material being treated to achieve an optimized apparatus and method. The reference and application are treating the same materials – news screen fines, defined by the Applicant as a combination of glass, paper, metallic objects and general refuse, including food wastes.

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7. With regards to claims 13, 16 and 19, the reference further discloses a conveyor (102) and crossbar magnet (200) for additional classification.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (571) 272-6940. The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy A. Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jrm

  
**KATHY MATECKI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**